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## JUNE MEETING.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved.

The Cabinet-Keeper reported the gift of a photographic copy of the portrait of Rev. Caleb Cushing (1672-1752), minister of Salisbury, Massachusetts.

The Recording Secretary, in the absence of the Corresponding Secretary, reported the receipt of letters from John S. Bassett, accepting his election as a Resident Member, and from William MacDonald as a Corresponding Member.

The Editor announced the gift by Prof. WILLIAM W. GOODWIN of the survey of Clark's Island, Plymouth Harbor, made in 1688 by Phillip Welles, and at the order of Sir Edmund Andros; by Mr. BOWDITCH of a letter of Isaac Hinckley, dated March 24, 1880,<sup>1</sup> and by Mr. BRADFORD of the miscellaneous writings of his father, Gamaliel Bradford, accompanied by the following note:

In presenting to the Society the collection of scrap-books, six in number, containing my father's miscellaneous writings for over forty years, I am simply carrying out his specific intention and wishes. He had long looked forward to this disposal of them, had arranged an oak cabinet for the purpose, and had himself prepared the greater part of the clippings and letters in chronological order.

A constant loyalty and devotion to any cause or organization with which he had become associated was one of his most marked characteristics, and I know that during his long connection with the Society he cherished its objects, prized the friendships that it gave him, and was most faithful in attendance at its meetings. If at times his eager and impetuous temperament led him to introduce something of modern controversy into its historical discussions, it was because he felt that there was no body of men in the country whom he would more gladly have converted to the cause he advocated.

<sup>1</sup> See p. 640, *infra*.

It is his persistent advocacy of that cause which gives interest to the collection of his papers now presented to the Society. For forty years he toiled unremittingly for one object, and although his progress was slow, against indifference, prejudice, and ridicule, he had at last the satisfaction of feeling that many of those whose judgment he most respected had come to the approval and acceptance of his views. And whatever opinion may be held of the views themselves, I think it will be recognized that he labored for them with all his soul and without any thought of personal advantage or reward.

Malcolm Storer, of Boston, was elected a Resident Member of the Society.

Mr. DAVIS, on behalf of Mrs. Lucien Carr, presented to the Society a copy of a poem, originally written for the *Boston Sunday Times*, by Mrs. Katharine McDowell, and published in that paper May 8, 1875. In 1876 it was reprinted as a pamphlet with the title: *The Radical Club. / A Poem, / respectfully dedicated / to / "The Infinite," / by / "An Atom."* / Boston: 1876. In this copy the names of the members of the Club are entered against the verses describing them.

Mr. SANBORN presented the following paper on

#### EDWARD GOVE AND HIS CONFISCATED ESTATE.

The first, and I believe the only case in New England, of a conviction and sentence of a colonial subject of the Crown, for the crime of high treason and "levying war against His Majesty the King," before the Revolution of 1775, was that of Edward Gove, a planter of Hampton (now Seabrook), in what soon became the royal Province of New Hampshire. He was arrested, upon a peace warrant issued by his neighbor, Justice Nathaniel Weare, and served by my ancestor, Lieutenant John Sam-bourne (as the name was then spelled), at the head of a detachment of the foot company of Hampton, January 27, 1683. He was then imprisoned without bail at Great Island, now New Castle; indicted, February 1, for treason; tried the next day before Richard Waldron, and two justices, convicted and sentenced without delay, under the barbarous terms of the old law, by which Vane had suffered, and Sidney was to die in London:

You shall be carried back to the place whence you came<sup>1</sup> and from thence be drawn to the place of execution, and there be hanged alive; your entrails shall be taken out and burned before your face, your head be cut off and your body be divided into four quarters, and your head and quarters be disposed of at the king's pleasure.

As the charter of the Province did not allow the provincial court or governor to execute a capital sentence, but required the felon to be sent to England, Great Island was not to witness this savagery; but Gove must remain in irons there, until he could be shipped to London for confinement in the Tower, till the king, Charles II, should order his execution. What was the crime which led to such swift trial and sentence? Gove himself, on reaching the Tower (June 6, 1683), thus stated it in a letter to Edward Randolph, written from the Tower to the Plantation Office, June 11:

Had I known the laws of the land to be contrary to what was done, I would never have done it. You may well think I was ignorant of any law to the contrary, since for fourteen or fifteen years past the same thing hath been done every year, and no notice at all taken of it.<sup>2</sup>

What Captain Gove, who was my great-grandfather's great-grandfather, meant by this odd statement I cannot imagine. He had been a citizen of Salisbury first, and then of Hampton (without moving his residence), for more than thirty years; had sat on juries, served in provincial legislatures and commanded soldiers. His actual offence was an armed demonstration, at the head of a few mounted men, against the royal Governor, Edward Cranfield, and the Duke of York, the heir to the crown, a Catholic. He had been a warm opponent of the Governor in the provincial Assembly of twelve members, representing the four towns which then alone constituted New Hampshire, — Robert Eliot, Philip Lewis and John Pickering for Portsmouth; Peter Coffin, Anthony Nutter and Richard Waldron, Jr. for Dover; Anthony Stanyan, Thomas Marston and Edward Gove for Hampton; and Bartholomew Tipping and Ralph Hall, with one vacancy, for Exeter. The upper house was the Governor's Council, appointed by the crown; Richard Waldron, Richard

<sup>1</sup> This place was the small fort which, ten years later (1693), gave its name to the chartered town of New Castle, and its commander was Captain Walter Barefoot, afterward Deputy Governor and Chief Justice of the Province.

<sup>2</sup> *Edward Randolph* (Prince Society), III. 231.

Martin and Christopher Hussey; Robert Mason, who claimed to own the whole Province and part of Massachusetts; Samuel Dalton, Elias Stileman and Job Clements. Richard Chamberlaine, the Province Secretary, was also a Councillor; the whole number being usually eight. This being the Parliament of New Hampshire, when Cranfield reached Portsmouth, in October, 1682, he soon summoned the Assembly, installed the new Councillors, and tried to get authority from the lower house to lay taxes, which they refused. He then prorogued the Assembly, and undertook to levy taxes by the Council alone, in which he had a majority, through Mason and Chamberlaine. Against this Gove, Waldron, Martin and most of the Puritan interest protested, and Gove counselled armed resistance, which the cooler heads in New Hampshire and Massachusetts opposed, till a more fitting season. They later also resisted by force the Stuart dynasty, when they heard at Boston, in April, 1689, that William of Orange was ruling in England; and after the arrest of Gove some of the Massachusetts leaders — Major Pike of Salisbury, for instance — tried to get Gove acquitted on the ground of insanity. Cranfield always charged that Gove was secretly supported by the clergy and magistrates of the two Colonies; and he was perhaps really afraid of his life. But his ruling motive in the indictment and conviction of Gove was to get hold of his confiscated property, which he thought to be larger than it was. The language of Gove was certainly seditious, and his demonstration might properly be called a riot. His house, which no longer exists, was near that of Justice Weare, with whom Gove had quarrels, and who issued the first order for his arrest. Setting out from Seabrook, with his son John and his servant, William Healey, mounted and armed, they repulsed a marshal serving Weare's warrant, rode to Exeter, seven miles, passing the house of Gove's son-in-law, Joseph Sanborn, who the Christmas before had married Gove's daughter Mary, and at Exeter and its vicinity they were joined by three young Wadleighs, sons of Robert Wadleigh, a prosperous lumberman, by Mark Baker (ancestor of the late Mrs. Eddy), Thomas Rawlings, Edward Smith, John Sleeper, John Young, and an unnamed trumpeter, who escaped on his fleet horse, without getting mentioned in the indictment. This force then trotted over Bride Hill to Hampton Village, where

Lieutenant Sambourne had his men mustered to halt them. They were stopped, made slight resistance, without bloodshed, and were all in Great Island prison that same night. It was a premature demonstration, which might have been a revolution, perchance, had it been delayed for three days, when Cranfield intended to have a special service on the 30th of January, in memory of the execution of Charles I, whom most of the Puritans regarded as justly slain.

Cranfield's word can seldom be taken in his variable reports to his friends Blathwayt and Jenkins, officials in London; but Randolph, though a prejudiced and soured person, usually told the truth with some exaggeration, and his account was this:

Edward Gove, a leading man, and a great stickler in the late proceedings of the Assembly, made it his business to stir the people up to rebellion, by giving out that the Governor, as Vice-admiral, acted by his Royal Highness' [Duke of York's] commission, who was a papist, and would bring Popery in among them; that the Governor was a pretended governor, and his commission was signed in Scotland, etc. . . . He solicited many of the considerable persons in each town to join with him to recover their liberties infringed . . . ; adding that his sword was drawn, and he would not lay it down till he knew who should hold the government . . .

Fearing he might get a party too strong for the civil power, (as indeed it proved, for Justice Wyer and a marshal and constable was repulsed,) the Governor, (though much dissuaded,) forthwith ordered the militia of the whole province to be in arms . . . [From Exeter Gove] suddenly returned with twelve men belonging to that town, mounted, and armed with swords, pistols and guns, (a trumpet sounding) and Gove with his sword drawn riding in Hampton at the head of them . . . [The Governor at Portsmouth] was taking horse, and with a part of the Troop, intended to take Gove and his company: but . . . a messenger brought word that they were met withal and taken, by the militia [of Hampton,] and secured with a guard. The trumpeter, forcing his way, escaped: after whom a hue and cry was sent to all parts: but as yet, he is not taken. . . . The prisoners were examined before the Governor and Council, where Gove behaved himself very insolently. . . . Capt. Barefoot having the trained band of Great Island then in arms, was ordered to take care of the prisoners, and keep a strict watch upon them, in regard the prison was out of repair. . . . They were all indicted upon the 13th of the King,<sup>1</sup> for levying war against His Majesty. Gove pleaded

<sup>1</sup> A statute of 1662 against treason.

not guilty, . . . but owned the matter of fact, and to justify his taking up arms, pleaded against the Governor's power, that he was only a pretended governor, by reason that his commission (as he said) was sealed in Scotland . . . The other prisoners pleaded not guilty; but had little to say in defence for themselves further than they were drawn in by Gove. The jury, after long consideration, found Gove guilty of high treason upon the indictment, and all the rest "in arms": in regard the other prisoners were specially found, the Governor ordered the court to respite their judgment till His Majesty's pleasure should be known therein; most of them being young men, and altogether unacquainted with the laws of England.<sup>1</sup>

The Historical Society of New Hampshire has among its many manuscripts the letter, often quoted, which Gove wrote to the Justices, from his Island prison, January 29; one of the few of his writings that have been preserved.<sup>2</sup> It shows a good handwriting and that independent spelling, so common in the age of Milton, Lady Verney and the wife of Cromwell. In it Gove said:

Gentlemen, according to what I know and believe, I am falsely indicted, and I am abused, notwithstanding, by another inditement, being in irons by Capt. Barefoot's order; which irons are called bilboes, exceeding heavy. . . . We have a hard prison, a good keeper, a hard captain, — irons an inch over five foot and several inches long, — two men locked together. Yet I had, I thank God for it, a very good night's lodging, better than I had<sup>3</sup> fourteen or fifteen nights before.

<sup>1</sup> *Edward Randolph* (Prince Society), III. 258.

<sup>2</sup> Printed in Belknap, *History of New Hampshire* (Farmer), I. 99 n.

<sup>3</sup> Here he seems to allude to the excitement at the proroguing of the Assembly, which met on this same Great Island, then a part of Portsmouth, where both Cranfield and Barefoot had houses in 1683. It was on this same Great Island, in the house of George Walton, where the Province Secretary Chamberlaine boarded, and solaced his dejection by playing the rebec, that occurred a premonitory symbol of the disorder to be produced by Cranfield, Gove, Mason, Barefoot and Chamberlaine himself, in the following years, from 1682 to 1692, when regular government was again established under William and Mary and the royal Governors of Massachusetts. In July, 1682, three months before Cranfield reached Portsmouth, as Chamberlaine sat touching his instrument in Walton's chamber, occurred that "Lithobolia" or demonic stone-throwing, so fearfully described both by Cotton Mather and Chamberlaine. The latter published at London in 1698 his pamphlet of 16 pages entitled "Lithobolia: or, the Stone-throwing Devil," now a very rare record. To disbelieve that these stones, cast about by unseen hands, were thrown by "Infernal Spirits (Devils Incarnate) or Witches," Chamberlaine said, a person "must temerariouly unhinge and undermine the best

The property of Gove was chiefly in land and forest, with the stock of beasts which his land supported, and was not easily turned into money. Consequently, when he reached the Tower, Gove must have been poor indeed; and his lands in Seabrook were already under attainder and legally forfeited. His children and neighbors doubtless joined in claims against him, which would put all such property as they could attach under protection from the forfeiture. This is what Cranfield meant by writing to his English friend that Gove's estate was so "conveyed away" that only £200 remained for the Governor to seize, — and that two years must pass before he could receive even all of that.<sup>1</sup> Writing from the Tower, June 11, 1683, to Randolph, who had brought him over to London, — out of needless irons on shipboard, we may assume, — and had learned to know the untreasonable nature of the man, Gove said:

I have further to request of you (if it may not be inconvenient) that you will please to assist me with some money in my necessity; and (as far as my promise may signify in the case) do promise that whatever you will be pleased to furnish me withal here, you shall take it out of my estate in New England.<sup>2</sup>

Probably Randolph, who was a liberal person, though far from rich, complied with this request, and received his repayment from the four children of Gove in New England. His older son, John, was soon released from imprisonment, and, with his brother Ebenezer and his brother-in-law Sambourne, pledged property and advanced money for their imprisoned father across the sea. What occurred in London we now know in part, from copies of the official papers, obtained by a descendant, Asa D. Gove, of New York, at London in 1849, and given to our Society in 1852. I inquired for such papers at the Tower itself, when I was there in June, 1890; but though some of them were on file there, I could not find them. They are here given in abstract; but as they are curious, and the case is unique, I would ask that they be printed in full. The first,

religion in the world, and must disingenuously quit and abandon that of the three theologic virtues or graces to which the great Doctor of the Gentiles gave the precedence, — Charity, — through his unchristian and uncharitable incredulity."

<sup>1</sup> P. 233, *supra*.

<sup>2</sup> *Edward Randolph* (Prince Society), III. 231.



dated at Whitehall, London, March 24, 1849, is a letter from H. Waddington, to A. D. Gove, Craven Hotel, Strand, authorizing Mr. Gove, an American, in the name of Sir George Grey, a secretary of State, to have "copies or extracts of documents in the State Paper office which relate to Edward Gove, imprisoned in the Tower in 1683."

Then follows, dated Whitehall, June 6, 1683, a letter from Sir Leoline Jenkins, Knt., "of His Majesty's most honorable Privy Council, and principal Secretary of State," announcing that,

Whereas Edward Gove, late of Hampton in the Province of New Hampshire, in New England, who was convicted and condemned for High Treason in levying war against our Sovereign Lord the King, at Hampton aforesaid, and sentence of death passed upon him there for the same, hath since been sent for this kingdom of England, by warrant from Edward Cranfield, Esq. Lieut. Governor and Commander-in-chief of the said Province, of New Hampshire, on the ship, the *Richard* of Boston, Thomas Joules Master; and whereas, by warrant from me the said Gove has been delivered from on board the said ship into the custody of one of the messengers of His Majesty's Chambers, and brought before me, according as the said Edward Cranfield had directed the said Joules to do:

These are therefore in His Majesty's name to will and require you to receive into your custody the person of the said Edward Gove, herewith sent; and him safe to keep until His Majesty's pleasure be signified to you, further to dispose of him according to law. And for so doing this shall be your warrant.

*To Thomas Cheeke Esq. Lieutenant of His Majesty's Tower of London."*

In response to this order, June 7, Cheeke replied:

I received a prisoner last night by your warrant. I thought you had been at Hampton Court this day, or I should have acknowledged it earlier. The fellow is poor, and I wish to know if the king will allow him maintenance. I keep two warders with him, — one to lie in his chamber, and one never to be out of his sight. Our warder houses are so full of our officers that we have no place for prisoners.

So passed the next year, — Gove in unnecessary irons, as he had been at Great Island, while awaiting trial, — but his neighbors in New Hampshire in active efforts to rid themselves

of the tyranny of Cranfield, who had now joined himself definitely with Robert Mason in an effort to obtain an acknowledgment from the inhabitants, of the Masonian ownership of the lands of the Province, and this to be followed by leases taken out by them, and the payment of quitrents, which would give Mason a large income, like an English landlord. For maintaining his claims in this matter, Mason promised the Governor 150 pounds sterling a year, which never seems to have been paid; while Cranfield put the officials of the Province at Mason's service to collect his rents. So annoying did this become that the chief men of the four towns, especially in Portsmouth and Hampton, raised a fund of one or two hundred pounds, and sent Justice Weare to England early in 1684, to bring their wrongs to the notice of English courts, to which they appealed; and to use influence with the ministers of Charles II for the removal of Cranfield. For this purpose Weare took with him a numerous signed petition from the landholders of the Province, complaining of Cranfield and Mason's exactions; and he caused charges against the Governor to be entered before the Privy Council, of which Savile, Marquis of Halifax, was then President. He also visited Gove in the Tower, whose case came before Halifax and his colleagues of the Council in May, 1684, in this form, as the papers in our archives show:

At the court at Hampton Court, May 28, 1684. By the King's Most Excellent Majesty, and the Lords of the His Majesty's Most Honorable Privy Council.

Upon reading this day at the board the humble petition of Edward Gove of New Hampshire, in New England, a prisoner in the Tower of London, praying that he may be released from his irons, and have the liberty of the Tower,

It was ordered, by his Majesty in Council, That Thomas Cheeke, Esq. Lieutenant of his Majesty's Tower in London, or in his absence that the Commander-in-Chief, do forthwith cause the said Edward Gove's irons to be taken off, and that he or the Commander-in-Chief do likewise grant him the liberty of the Tower, upon good security that he will remain a true prisoner there.

PHIL LLOYD.<sup>1</sup>

<sup>1</sup> This gentleman seems to have been the clerk of the Privy Council for several years. He signs the audit of bills for the safekeeping and board of prisoners in the Tower, which the Privy Council made.

So it seems that for nearly a year this harmless Puritan, who had no thought of escaping, and had petitioned the king for pardon, was kept ironed in his chamber, and a part of the time with two expensive warders watching him. It was a period of anxiety in London, for in the July following the arrival of Gove at the Tower, the Ryehouse plot was discovered; Essex was put to death or committed suicide in the Tower; Lord Russell was taken from the Tower to be beheaded, and the Dons of Oxford solemnly declared, and assured King Charles, that to hold that all civil authority is derived originally from the people, and that if princes become tyrants, or govern otherwise than by the laws of God and man they ought to do, they forfeit the right to govern, — "All and every of these propositions [reciting 25 others] are false, seditious and impious, and most of them also heretical and blasphemous; infamous to the Christian religion and destructive of all governments in church and state."

In the following December Algernon Sidney was executed, and the king began to take away the charters of the English cities by his arbitrary power, supported by subservient judges and prelates. The most of the persons accused of treason and beheaded were with Gove in the Tower in 1683-1686; among them the Duke of Monmouth, who passed for the king's own son. The bills for Monmouth's short stay in the Tower before execution, in July, 1685, along with Gove's bill for the same Michaelmas Quarter, were as follows:

For safekeeping the late Duke of Monmouth from the 13th of July to the 15th following, inclusive, being three days, at £.10 per week, ancient allowance, and £.2, 4s, 5d per week present demands, according to Retrenchment, 19s. 00½d. For safekeeping the Lord Lorn and Edward Gove, from the 25th June, 1685, unto 29th September following inclusive, being 13 weeks and 6 days, according to the same allowance and to Retrenchment, £.18, 9, 5.

These bills, in the original, bear the audit and approval of the Privy Council, or as many of them as happened to be present when offered; in Gove's case, for the two quarters in 1685-6 here copied, the signers were Robert Howard, Lord Chancellor Jeffreys, Lords Clarendon, Rochester, Huntingdon, Mulgrave, Plymouth, Craven, Sunderland, and J. Bridgwater, and Wm. Bridgeman, for October, 1685. Before the bill for

1686 was presented, however, the following proceedings had occurred:

*March 5, 1685-86. Court of Whitehall.*

Present, the King his most excellent Majesty, his Royal Highness Prince George of Denmark, Lord Archbishop of Canterbury, the Chancellor, Treasurer, President of Council, (Halifax) Chancellor of Exchequer, Earls Craven, Berkeley, Plymouth, Monson, Middleton, Lord Viscount Preston, the Bishop of Durham, Lord Dartmouth and Godolphin.

Upon reading this day at the board the petition of Edward Gove, prisoner in the Tower humbly praying that he may be inserted in the next general pardon, His Majesty [James II] was pleased to order that he be inserted in the next general pardon which shall come out for the prisoners at Newgate; and that in the mean time Thomas Cheeke Esq., Lieutenant of the Tower, to bail the petitioner to appear and plead his pardon.

This was not the first step in Gove's pardon. Next followed this entry:

March 9, 1686. Edward Gove discharged: giving his own recognition for his appearance at the sessions of the Old Bailey to plead his pardon.

SUNDERLAND.

These later proceedings followed on the actual granting of Gove's pardon, of which I show a photographic copy,<sup>1</sup> and which was actually granted at Windsor, September 14, 1685, soon after the accession of James, upon his brother's death in the preceding February. It is signed by Lord Sunderland, who did not order Gove's discharge till nearly six months later. But his pardon had been notified to Cranfield in New Hampshire, and had been preceded by a petition from Gove to the Lords of Trade in August, 1685, in which he said:

Edward Gove has now been a prisoner nineteen months, fifteen of them in the Tower, where the king has granted him life, release from irons and liberty to take the air. He has great hopes of freedom, if he can obtain copies of his indictment, trial and condemnation, and begs they may be furnished him.

This petition was late in August, and on the 26th of August, 1685, Halifax and the Board of Trade recommended his pardon.

<sup>1</sup> Printed p. 235, *supra*.

Upon this, Randolph wrote to his friend Sir R. Southwell (September 1) a fortnight before the pardon issued:

Mr. Blathwayt has got Gove set at liberty upon some slight obligation to his Majesty, for his good behavior: by which means His Majesty will be freed from the charge of maintaining him in the Tower at £. 3 a week.

The actual charge was 14 shillings less than this, as the above bills show. Probably the consideration of cost entered into the Secretary's mind; but Weare and Halifax took a wider view of the discontent in New Hampshire.<sup>1</sup>

Cranfield had taken all Gove's money that he could find; and therefore the prisoner in the Tower had to pray the king for another favor, which was granted.

*April 9, 1686. Court at Whitehall.* Present the King, Prince George Archbishop etc. [much as before, except that Earl Bridgewater, Viscount Fauconberge and Lord Chief Justice Herbert were added].

Upon reading the petition of Edward Gove, . . . In regard the said pardon, as he is informed, will not issue till Michaelmas next, and for that his family beyond the sea were in a necessitous condition, he humbly prays His Majesty to signify to the Government of New England his said gracious pardon, and that he may be restored to his former estate and condition.<sup>2</sup>

This the King in Council granted, and wrote in April, 1686, to Dudley's new government in Boston, set up after the abrogation of the old Massachusetts Charter, that Gove was "restored to his former estate and condition"; and that his property should be "ascertained and restored" to him. This was done, but the documents showing how it was done have disappeared, with many other papers of that disturbed period in New England. Accidentally I discovered in an old court record of New Hampshire, now in the State House at Concord, New Hampshire, the initial proceedings taken by Gove, in that Province. He attached the alleged property of Cranfield, a house on Great Island, valued at £400, and brought suit at the term of a court held by Justice William Stoughton at Portsmouth (in which

<sup>1</sup> See pp. 234, 235, *supra*.

<sup>2</sup> *Acts of the Privy Council* (Colonial), II. 67. Many references to Gove's "rebellion" and imprisonment are in *Calendar State Papers*, America and West Indies, 1681-1688.

one of the jurors was the brother-in-law of Mary (Gove) Sambourne, and Walter Barefoot took part in the proceedings), for the recovery of £200 unlawfully obtained by Cranfield. The date was October 6, 1686, — Gove having reached home in May; but the court merely adjourned proceedings till the new government at Boston could be heard from in the matter. Other old New Hampshire documents on file at Concord show that Gove died July 29, 1691, without a will, and that the estate was not finally settled till 1712. The explanation of this delay is thus stated in an agreement drawn up by the still surviving Justice Weare, and witnessed by him, March 26, 1712, as follows:

Whereas our honored father, Edward Gove of Hampton, deceased some years since, and left his lands and estate undisposed of by will; and there happening to be many arrears and disbursements arising to the lands belonging to our said father; and having in some competent measure come to a settlement thereof, we, the sons and successors of our said father, *vizt.* John Gove and Ebenezer Gove, to the end that we may enjoy our lands and propriety to ourselves, our heirs and successors, without invading and intruding, or claiming of rights of propriety in one or the other's precincts, we, the said J. G. and E. G. are come to a full and final agreement, which is as followeth: (Here the acres, metes and bounds.)

This implies that there were charges on the property; some made by Gove himself, some by Cranfield, and others by persons who had advanced money or taken lands of Gove for concealment from attainder, etc. These required time and patience, in more than twenty years, to clear up. In a settlement with my ancestor, Joseph Sambourne, who seems to have taken some lands by way of dowry for his wife, Mary Gove, and to have exchanged other lands with the Gove family, the property where I was born was retransferred by John Gove and Samuel Colcord, for a merely nominal sum in 1692. In these settlements some of the unregistered land of Edward Gove, a small meadow nearer Gove's homestead than Sambourne's, seems to have been held by Mary, my ancestress; and this has finally come down to me by a series of inheritances. It is now partly covered with a growth of pine forest, as vigorous, though not so old, as that which surrounded those homesteads two centuries ago; when this final settlement of the forfeited lands of the prisoner in

the Tower was made by the justice who had caused his arrest, promoted his release, and saw accomplished what my ancestor had unwisely sought to achieve by force, — the freedom of the Province.

ISAAC HINCKLEY TO CHARLES P. BOWDITCH.

THE PHILADELPHIA, WILMINGTON & BALTIMORE RAILROAD CO.  
PRESIDENT'S OFFICE, BROAD STREET & WASHINGTON AVENUE,  
PHILADELPHIA, March 24th, 1880.

MY DEAR SIR: Your letter of the 20th inst. in respect to the Cooper family, was duly received.

There is no doubt that the Cooper family need help, nor that the exertions of Mr Cooper to aid our troops were great and effective. The Country owes him a great debt, and I am very glad to learn that a movement is being made to help the survivors of his family.

Mr Cooper, after the war, became an illicit distiller, and was punished under our laws severely. Others of the family have borne unenviable reputations. This should have no effect detrimental to the claims of his Widow and two daughters, but should I think, deter benevolent people from making donations to others of the family.

If the history of the action of Philadelphia Citizens, in feeding and nursing the troops en route, were fully known; it would be plain to all, that justice demands that donations now made, should not be confined to the Cooper family. It seems to be understood erroneously, that Cooper not only originated the movement, but also took the larger share of the work. Neither of these premises is true. The Volunteer Refreshment Saloon was the first to be opened. It was in a building belonging to this Company, and given free of rent to the cause. This saloon had a capacity fully double that of the Cooper Saloon, and was maintained by the voluntary aid of Citizens, who gave time and food without stint.

The first detachments which passed through the City, were met on arriving at our Southwark ferry-landing, by crowds of eager people, generally of the poorer classes, each laden with food and drink for the troops. Shortly after, a Saloon and Hospital were established in this Co's building, and these were maintained in the most thorough, generous and systematic manner, until about June 1865. Mr Cooper's movement followed, and, I know not how, seems to be made to represent and overlay the earlier and larger enterprise.

There are now in Philadelphia persons who devoted themselves, their means, and what they could obtain by solicitation, to the first

enterprise, who are as much in need, as are the Widow and daughter of Mr Cooper.

If, as I hope, there be a generous subscription raised, in return for aid received by Mass<sup>ts</sup> Soldiers; it would be, I think, just and fair, when distributing it, to look into the claims of all who afforded such aid and are now reduced to poverty. Their number is small, their claims good. I enclose a Card of the older undertaking. I shall be glad to get and communicate further facts if desired.

Yours Truly,

ISAAC HINCKLEY,  
*President.*

Mr. FORD spoke of a manuscript (Vol. 161, G. f. 1) which had been given to the Society in 1856 by Mr. Isaac P. Davis, and which appears not to have received the notice it deserves. It consists of two accounts, printed in full below, and relates to the arrest of Thomas Morton of Merrymount by Endicott in 1628. The first account covers the expenses incurred by Edward Gibbons while Thomas Morton was in his custody. Whether Gibbons was at this time a member of the Morton party, or merely associated with him for the time, being "a young man of reckless, roving disposition," is not known, though Scottow expressly states that he was "one of the Merry Mount Society," but "no debauchee."<sup>1</sup> The fact that Morton was apparently entrusted to his care after his arrest, would show that his connection with Morton was not close. The value of the account lies in the names mentioned, names of settlers who preceded the coming of Endicott. Roger Conant and Rev. John Lyford were at Natasco; John Bursley was at Wessaguscus, the place where Weston's men made such a failure; and Samuel Maverick occupied his house at Winnisimmett. William Blackstone was at Shawmut. But who were Pasco, Richard, Frost and Cribbe, or Crabbe? Were they also "first comers," earlier in Massachusetts than the Endicott party? A John Crab receives mention in the Dorchester Records,<sup>2</sup> the entry referring to some time between 1630 and 1632.<sup>3</sup> If the name is Cribb, a Benjamin Cribb was with two others whipped in 1631, "for stealing 3 piggs of Mr. Ralfe Glouers."<sup>3</sup> Neither name receives later mention in the records. As to Frost, it may have been Nicholas

<sup>1</sup> Adams, *Three Episodes of Massachusetts History*, 384.

<sup>2</sup> *N. E. Hist. Gen. Reg.*, xxxii. 59n.

<sup>3</sup> *Mass. Col. Rec.*, i. 85.



Frost, later of Kittery, who in 1632 suffered severe punishment from the Massachusetts Bay authorities for theft committed at Damerills Cove upon the Indians and for other misconduct.<sup>1</sup> Savage throws no light upon the identity of these names. Bursley and Blackstone were among those who contributed towards the charges of sending Morton out of the plantation.<sup>2</sup>

The second account is probably an inventory of what was found in Morton's house and at Natasco. The hatchets and beads point to barter with the Indians, and the great complaint against Morton was that he did not scruple to trade powder, shot and guns with the natives, thereby endangering the English settlements, and leading to their combining to put down mine host of Merry Mount. The paper is the only known contemporary manuscript relating to the summary action taken against Morton by Endicott.

The writer of these accounts has not been identified, but it was not Gibbons himself.

PAID FOR TH: MORTON BY ED. GIB[BONS].

To Mr. Conant for vinegar . . . . .	o. o. 8
To Mr. Layford . . . . .	o. 6. o
To Pasco for a shirt . . . . .	o. 4. 6
To Richard . . . . .	o. 18. o
To Frost for leather . . . . .	o. 3. o
To Mr. Bursley . . . . .	o. 10. 6
To the store . . . . .	1. 14. 8
For a shute of Clothes . . . . .	1. o. o
For 3 pound of suger . . . . .	o. 9. o
For j gallon of Resaselis . . . . .	o. 7. o
For 10 lb. of Reasons . . . . .	o. 6. o
Due vpon an accompt . . . . .	o. 2. 2
in mony . . . . .	4. o. o
To Mr. Maverick . . . . .	o. 6. o
	<hr/>
	10. 9. <sup>3</sup> 6

<sup>1</sup> *Mass. Col. Rec.*, I. 100. In 1652, among those of Kittery who acknowledged themselves subject to the government of the Massachusetts Bay, were Nicholas Frost and John Bursley, both of whom were unable to sign their names. <sup>2</sup> *Maine Hist. Collections*, iv. 22. A third resident of Kittery, Antipas Maverick, also submitted, but he has not been connected with Samuel Maverick of Winnisimmett. A daughter of Samuel, Mary, married for her second husband, Francis Hooke of Kittery. Savage, II. 457.

<sup>2</sup> Bradford's *Letter Book*, 1 *Mass. Hist. Collections*, III. 63. The sum raised, £12. 7. 01, did not differ much from the total of the first account below.

<sup>3</sup> Should be 7.

The parte of trade is sould to . . . . .	10. 10. <sup>1</sup> 6
More of debt . . . . .	0. 15. 0
More of Mr. Blackstone . . . . .	0. 6. 0
More of Mr. Cribbe [Crabbe?] . . . . .	0. 18. 0
More of goodes sould . . . . .	2. 8. 4
	<hr/>
	13. 07. 10 <sup>1</sup>
Lent 30 wt. of beaver . . . . .	14. 7. 10
	10. 9. 6
	<hr/>
	3. 18. 4

Due to Ed. Gibbons 10<sup>o</sup> Aprilis, 1629, upon his accompt, 17 *li* of beaver.

GOODS IN THE HOUSE AND AT NATASCOCK.

j: fowling peece . . . . .	2. 8. 0
j: pistoll . . . . .	0. 9. 0
j: barrell of lyme. . . . .	0. 4. 0
j: barre of lead . . . . .	0. 2. 9
j: sithe . . . . .	0. 3. 4
2 Rubbers . . . . .	0. 0. 6
1 spade . . . . .	0. 2. 0
18 trencher plates . . . . .	0. 12. 0
2 meltinge ladles . . . . .	0. 2. 4
It 5 Rugges used 2 traded. . . . .	1. 15. 0
78 <i>li</i> of leads . . . . .	0. 12. 0
1 skimer . . . . .	0. 1. 6
1 saucer . . . . .	0. 1. 6
21 hatchetts . . . . .	1. 1. 0
21 <i>lb</i> of pewter at 10 <i>d</i> per . . . . .	0. 16. 0
1 beaker . . . . .	0. 0. 6
9 <i>lb.</i> of powther . . . . .	0. 13. 6
30 <i>lb.</i> of shott . . . . .	0. 5. 0
j saw at Wessaguscus . . . . .	0. 12. 0
Sheete lead . . . . .	0. 1. 0
j calking Iron . . . . .	0. 0. 6
j barbers bason . . . . .	0. 2. 6
2 wast coate. . . . .	0. 6. 0
4 lether botteles . . . . .	0. 4. 0
4 ould howes . . . . .	0. 1. 6
j dram bole . . . . .	0. 1. 0
3 <i>lb</i> of beades . . . . .	0. 4. 0
hoppes . . . . .	0. 17. 6
ji how (?) . . . . .	0. 1. 6
	<hr/>
	[12. 1. 5 <sup>2</sup> ]

<sup>1</sup> These figures were run through with the pen.

<sup>2</sup> The manuscript carries no footing.

Mr. FORD also submitted the following account, by one of the agents, of the mission sent to England by the Colony of Massachusetts, in 1690, to prosecute the charges against Sir Edward Randolph.<sup>1</sup> The general outlines of the mission are given in the *Andros Tracts*, printed by the Prince Society,<sup>2</sup> but no such detailed account of the proceedings has yet appeared. The paper seems to have been known to Hutchinson, and he gives a paraphrase of one part of it in his *History* (I. 394). Not one of the four agents, for Increase Mather and Sir Henry Ashurst were already in that office, appears to have written to Massachusetts during the summer; for Governor Bradstreet, writing on November 29, 1690, complains that since Cooke's departure in February no word had been received from them for guidance on public policy.<sup>3</sup>

#### ELISHA COOKE TO SIMON BRADSTREET.

LONDON, October 16, 1690.

HONORABLE SIR,

After an exceeding stormy and every way dangerous passage of six weekes and six dayes thro Gods wonderfull mercy we arrived at Bristoll March 30th in the evening, and that night by the Post advised Mr. Mather therof;<sup>4</sup> April 1<sup>o</sup> Mr. Palmer,<sup>5</sup> Sherlock,<sup>6</sup> Farewell,<sup>7</sup> Pepoon,<sup>8</sup> and others of their passengers came to Bristoll also from some place in Wales, by whom we understood that Mr. Bant<sup>9</sup> was arrived at Scillie and had disposed of his passengers. Some went from on board his into another ship at sea, others he

<sup>1</sup> The original is in the collections of the Massachusetts Historical Society, c. 91. 1, and in a volume indexed by Timothy Alden, November 4, 1808. It must have, therefore, come into its possession at an early period of its history.

<sup>2</sup> See commission and instructions in *Andros Tracts*, III. 58, 59.

<sup>3</sup> But see Sewall, *Diary*, I. 326.

<sup>4</sup> Richard Martin, master, sailed from Boston February 10, 1689-90, with Elisha Cooke, Thomas Oakes and Ichabod Wiswall, agents for conducting the proceedings against Andros and his followers. 2 *Proceedings*, VII. 152. Wiswall, "though not formally accredited, acted as the representative of Plymouth Colony." *Andros Tracts*, II. 230. See Sewall, *Diary*, I. 309.

<sup>5</sup> John Palmer. *Andros Tracts*, II. 183.

<sup>6</sup> James Sherlock. *Ib.* 187.

<sup>7</sup> George Farewell, imprisoned at the same time as Andros. *Ib.* 186.

<sup>8</sup> Joshua Pison, ensign. *Cal. State Papers*, America and West Indies, 1689-1692, 272; *Andros Tracts*, III. 94.

<sup>9</sup> Captain Gilbert Bant. He also sailed from Boston February 10, having with him Sir Edmund Andros, Joseph Dudley, Edward Randolph, John West, James Graham, and others, sent home by the Massachusetts authorities for trial. 2 *Proceedings*, VII. 151.

let go off at Scillie, and all had their libertie to go where they pleased, of which Mr. Nicholson<sup>1</sup> can give account, so carefully did he observe your orders. April 3<sup>o</sup> their coach day we set out from Bristol and came hither the 5th in the evening, and immediately I went to Mr. Mather's lodgings and there found our papers, we taking up at an Inn at first. Mr Mather advised Sir Henry Ashhurst of our arrival, who was so exceeding kind that the next morning he sent his coach to the Inn desiring me and Mr. Oakes to keep the sabbath with him at Mr. Baxter's<sup>2</sup> meeting and dine with him; this day Mr. Dudley came to towne, Mr. Randolph the day before us, Sir Edmund and others the day after. Monday with Sir Henry Ashhurst we went to Whitehall to the Earle of Shrewsbury,<sup>3</sup> delivered your honors letter,<sup>4</sup> and prayd his favor to gaine us an opportunity to wait on his Majestie,<sup>5</sup> and the next morning being ushered by him, presented the Colonies Address to his Majestie at his Court at Kensington, which after being read to him by Sir H. Ashhurst he was pleased graciously to accept and sayd he would consider it: we went immediately to the Queenes<sup>6</sup> Lodgings with the Address, but she being then indisposed, which continued some time, that Address was not presented till the 21th, and then being ushered by her Majesties Chamberlain, the Marquis of Winchester,<sup>7</sup> and the Address read to her by Sir H. Ashhurst, her Majestie was pleased to say to us she would be kind to N. England, and as kind as the King; there being in that Address, as your honor may remember, an intimation of the King's kindness. But to return to the 8th Aprill, being upon the Exchange just before we went to Kensington with the Address, we met with a Notification from the Lords of the Committee for Trade and Plantations, intimating that they expected our attendance on their Lordships at the Council Chamber the Thursday<sup>8</sup> following about the business of N. England, and respecting his Majesties Letter of Command for sending over Sir Edmund Andros and others, that were under Restraint there. At the time we appeared, when

<sup>1</sup> Probably Heath Nicholson (p. 650, *infra*), or Captain George Nicholson. *Andros Tracts*, II. 132.

<sup>2</sup> Richard Baxter (1615-1691).

<sup>3</sup> Charles Talbot (1660-1718), twelfth Earl and only Duke of Shrewsbury. In February, 1689, he received the seals as Secretary of State for the northern province, but resigned them June, 1690, and remained out of office till March, 1694.

<sup>4</sup> See *Cal. State Papers*, America and West Indies, 1689-1692, 214. References to this volume in subsequent notes will be *Cal. State Papers*.

<sup>5</sup> William III.

<sup>6</sup> Mary, daughter of James II.

<sup>7</sup> Charles Paulet (1625?-1699), sixth Marquis of Winchester and first Duke of Bolton.

<sup>8</sup> April 10.

their Lordships told us that some Gentlemen were lately come from N. E., and that Sir Edmund Andros and others that had been sent over according to his Majesties Command had moved for their discharge, that they might attend their particular business; their Lordships desired us, if we had any thing to object against them, to lay it before their Lordships, and also inquired whither we had any Credentials, and who the persons were that were thereby impowered, for that their names ought to be upon Record there. We answered that we had brought Credentials, but had them not there, and that we had also brought some testimonies of matter of fact respecting Sir Edmund Andros and others, which we hoped would sufficiently vindicate the proceedings of the present Government in N. E. against them; but we were some of us but just arrived and all of us strangers to the proceedings of that Honorable Board, and therefore prayed that we might appeare and answer by our Council, and that time might be allowed them to peruse our papers, and then to draw up what might be proper. The Lord President replied the request was very reasonable, and after taking our Names in writing beginning with Sir H. Ashhurst and so on by the Secretary Mr. Blathwait, we were desired to withdraw, and soon after called in and told by my Lord President that their Lordships had ordered that we should appeare again that day seven night, being the 17th Aprill, with our Council, two of a side, and no more, and in the meane time should leave with the Secretary our Objections in writing on the Munday following (being the 14th day), that so Sir Edmund might have time to answer them, and that at our next appearing we should bring our Credentials. At the time appointed Mr. Humphryes, our solicitor, carryed the Objections to Mr. Blathwait: but when the Objections<sup>1</sup> were drawne up a discourse was raysed among ourselves about the signing of them, upon which our Council being consulted sayd there was indeed no need to sign them, their Lordships having taken our names already and recorded them with our Quality, and because we were properly but upon the Defensive side (the King's Command to send over Sir Edmund, and also this meeting of the Committee being both at his sollicitation), our business was therfore to offer the Reasons of the confinement of Sir Edmund Andros and his Crew, setting forth their Male Administrations of the Government, and thereby vindicate the people in the matter of the Revolution. After delivering the Objections<sup>2</sup> I assisted Mr. Humphryes in drawing up the

<sup>1</sup> Printed in *Andros Tracts* (Prince Society), II. 176. The original is endorsed "Recd. 16 April, 1690," *Cal. State Papers*, 246.

<sup>2</sup> The original paper of the Objections bears this endorsement: "This Paper being presented the 14th Aprill 1690, by Mr. Humphreys and no person being

Brief, and proceeded so farr therin as he thought their Lordships would have patience to heare at one sitting, coppeys of which are herewith sent. On the 17th day we appeared at the Council Chamber, Mr. Blathwait then calling us each by name under the Character of the N. E. Agents: And after our appearance was observed we acquainted their Lordships that we had entertained Sir John Somers<sup>1</sup> and Mr. Ward<sup>2</sup> as our Council, and prayed they might be heard in behalfe of the Colonie. Then our Council proceed[ed] and acquainted their Lordships that according to the Order of that Honorable Board the Matters objected against Sir Edmund Andros and the other Gentlemen with him were delivered to Mr. Blathwaite the Munday before, and supposed the partyes concerned had taken coppyes thereof. Sir George Treby<sup>3</sup> and Sir Robert Sawyer<sup>4</sup> appearing as Council on the other side sayd they had; and then Sir George began as it were by way of complaint, and sayd they had been imprisoned and very hardly dealt with for a considerable time, and therby put to great Costs and damages and the like. Sir John Somers replying said, It's true we are properly in this Case on the defensive part, and if these Gentlemen have any thing to charge us with we shall be ready to answere them.

Then Sir Robert Sawyer (the quondam Kings Attorney that prosecuted the Quo Warrantos and Scire facias against the Colonie) verry fiercely enumerated the pretended Crimes that Mr. Randolph had formerly suggested against the Country, and for which he sayd a Quo Warranto and Scire facias had been issued out and Judgment thereupon given against them, and their Charter declared forfeited, and that they deserved far greater punishment than meerly the loss of their Charter Priviledges; but in the close of this stormy Harangue (to prevent his receiving any answer) acknowledged that what he had sayd was forreign to the present Case; whereupon one of the Lords sayd, let us keep to the present matter before us. And then Mr. Blathwat the Secretary was ordered to read the paper of Objections against Sir Edmd. Andros, etc., which after his acquainting the Board when and of whom he received it, he read; then our Council declared that they were ready, and came prepared to prove all or any of those Articles, as their Lordships should please to ap-

afterwards found to sign or own the same, their Lordships would not permit it to be read."

<sup>1</sup> Sir John Somers (1651-1716), Attorney General (1692) and Lord Chancellor (1697).

<sup>2</sup> Probably Edward Ward (1638-1714), who later presided at the trial of Captain William Kidd.

<sup>3</sup> Sir George Treby (1644?-1700), now Attorney General.

<sup>4</sup> Sir Robert Sawyer (1633-1692).

point. Then they were ordered to proceed, and the first Article being read again, and Sir Edmund asked what he sayd to the first part of it relating to the Proclamation,<sup>1</sup> he peremptorily denyed that any such Proclamation was ever emitted by him, and the rest of his Accomplishes shewed their Assent to what he sayd by their Reverence to the Board, when he had done speaking. Then the printed Proclamation was produced and delivered to the Board, which most plainly proved the charge, and that under his owne and his Secretary Wests hands: then Sir John Somers proceed[ed] and sayd, we will now prove the second part of the first Article, viz. that Sir Edmd. Andros endeavoured to stifle the news of his present Majesties landing, and caused him that carryed his Declaration thither to be imprisoned as bringing a seditious and treasonable paper; and to prove this, here is first the testimony of the verry person that was imprisoned,<sup>2</sup> which we pray may be read: then the Lord President sayd, but who are they that make these Objections; who was answered that we appear here in behalfe of the Country that imploy us, and are ready to proceed in proving them. Lord President. But who imprisoned Sir Edmd. Andros and the rest? Sir J. Somers. The Country, my Lord, the people of the place, who being under the oppression of an arbitrary Government did there as we did here, arose as one man and tooke the oppertunity from the News they had of the Revolution here to free themselves from such a yoake, and also secure the country for their present Majesties. Sir Robert Sawyer, with heat and noyse. You say it was done by the people, but it was by the Rabble spirited by the faction to overthrow the Government. Sir J. Somers. It was done just as it was here by a general concurrence of the people of all degrees, and if you will say the Revolution here was done by the Rabble, you may. Mr. Ward. They acted like Englishmen and good subjects, and showed their good affection and loyalty to the English Interest and their present Majesties in securing that country to the Crowne of England, and are no more to blame in that matter than we here in England. Lord P. You say it was done by the country and by the people, that is nobody. Let us see A. B. C. D. the persons that will make it their owne case, and make this charge, that we may know who we have to do with, for that Paper is not signed by anybody. Sir J. S[omers]. We are my Lord in behalfe of the Country, and are imployed by the Colonie to manage their concern assuch, and not in the behalfe of any particular persons. That is not our business; and we are ready to prove all these Objections, if your Lordships please, or such of them as your

<sup>1</sup> Printed in *Andros Tracts*, i. 75 n.

<sup>2</sup> John Winslow. *Andros Tracts*, i. 77.

Lordships shall please to order. Then one of the Agents standing just behind the Council to whisper them as there might be occasion, sayd to Sir J. S[omers], if the stick be for that the paper of Objections is not signed by the Agents, we will some of us signe it now immediately, but he replyed no, we are in our way, and have attended the direction of the Board; and if they will bring it off thus, they may. Lord P. but who are these persons, we were told that you had Credentials. Sir J. S[omers]. Yes, my Lord, and here they are, then opened your Commission and offered it to be read. Lord P. Who is it from? Mr. Ward. The Colonie of the Massachusetts, my Lord, and under their seale, which plainly shows the persons that are impowered and by whome, but if the designe be to make particular men espouse this matter as their owne Case, and so render themselves lyable to personal Actions, that would be most unreasonable and unjust, it being the concerne of the Colonie, and not of any particular persons. Lord P. You say true, and may be sure that no such thing would be countenanced by this Honorable Board. Then one of the Lords sayd, I perceive the Revolution was there as it was here, by the unanimous agreement of the people. For who seized and imprisoned the late Lord Chancellor?<sup>1</sup> Who seized the Lords such and such, naming several, and secured the Garrison at Hull, etc. I think we understand the matter well enough, and see no reason why we may not goe forward in hearing the proof. Another spoke to the same purpose, and added that the people were to be commended for what they had done, and desired they might proceed in the proof. Lord P. applying himselfe to the Agents sayd, Gentlemen, here has been a pretty deale of time spent. My Lords will give his Majestie a true and impartial Account of what has been sayd on both sides, and waite his Majesties further pleasure in the matter, and you may withdraw for the present. The verry next day we were told by a person of good intelligence, that Sir Edmund and the rest of them were dismissed their Attendance at Court,<sup>2</sup> and the day after, vizt. the 19th, that they would be introduced by some body to kiss the King's hand, which honor tis sayd they and Mr. Lidgett<sup>3</sup> had the Munday or Tuesday following: the Thursday after, being the 24th, the Lords of the Committee made their Report to the King in Council, which his Majestie was pleased to approve, and then ordered the matter to be dismissed, and Sir Edmund and the rest discharged, and set at liberty, as you will find by the Coppy.<sup>4</sup>

<sup>1</sup> George Jeffreys (1648-1689).

<sup>2</sup> The order is in *Andros Tracts*, II. 173, and again, III. 41.

<sup>3</sup> Colonel Charles Lidgett.

<sup>4</sup> The answer of Andros and his companions is printed in *Ib.*, 178, and was presented on the 24th. It bears the memorandum: "But there being no person



Afterward we pursued our great business, the settlement of the Government, which most friends judged would best be effected by a new Grant: we came in a verry ill time for our business. The Parliament being sitting, and the King preparing for his Expedition into Ireland; However we were in great hopes of effecting it before his departure, but by an unaccountable providence were delayed therein, and so prevented by loosing the verry season. May 25th at night, Mr. Shrimpton<sup>1</sup> came to towne with your honors packet, having laine at Scillie three weekes. The next day we endeavored to present the Address, but his Majestie being extreame busy in his preparations for Ireland, could not be come at; therefore least that and the Express directed to the Earle of Shrewsbury (who was then sick and had also desired to lay downe his place) at the Earle of Nottingham,<sup>2</sup> then and still the only principal Secretary of State, his Office. On the 28th day a Notification was sent us to the Exchange from the Lords of the Committee for Trade, etc., directed as per the Coppy, to attend their Lordships the next day.<sup>3</sup> We went up accordingly, accompanied with several Gentlemen of good quality, and friends to N. E., an Account of which dayes Action and of the several letters from N. E. then read at the Board, your Honor may have from Mr. Shrimpton, Mr. Heath Nicholson and others, which to write would swell this too large. But your Honors will (I believe) have a more full Account thereof by a friend. In the close of this hearing Sir Edmund Andros presented a large paper to the Board, what preceeded being I suppose the more advantageously to usher in this, which he calls an Account of the forces rayseed in N. E. for the Defence of the Country against the Indians, etc., setting forth his care and paines taken for the security of the Country, and that by reason of the Revolution all his measures were broken, the Forts deserted, souldiers debauched and returned home, and thereupon the Country destroyed by the Enemy, etc., as per the Coppy appears.<sup>4</sup> The next day our Answer (Coppy whereof you also have) was drawne up,<sup>5</sup> and the day following we carryed it to the Lord President's Lodgings and acquainted his Lordship that our Answer to Sir Ed-

found to own or sign the charge presented by the Solicitor for the other side against the Respondents, neither the charge nor this Answer was permitted to be read."

<sup>1</sup> Epaphras Shrimpton.

<sup>2</sup> Daniel Finch (1647-1730), second Earl of Nottingham.

<sup>3</sup> The original is in the Mass. Archives, and is printed in *Andros Tracts*, II. 130 n.

<sup>4</sup> Printed in *New York Colonial Documents*, III. 722, and in *Andros Tracts*, III. 19.

<sup>5</sup> Summarized in *Cal. State Papers*, 274, and printed in *Andros Tracts*, III. 34, from a copy in the Massachusetts Archives. It is dated May 30.

mund's paper was ready, and prayed to know when we might lay it before their Lordships, who told us that the Committee would not sit till the King was gone; who went June the 4th, and therefore sometime afterwards leaft our Answer with Mr. Blathwayt, Secretary to the Committee. June the 12th, upon the Exchange we were served with a [summons] directed to one of their Majestie's Messengers to attend the Lords of the Council the 14th Instant, etc. See the Coppy.<sup>1</sup> That day we attended with some Gentlemen with us, but were not called, but at last referred to the 19th. And then Mr. Randolph offered a large complaint against the present Government of N. E. of their Irregular trade since the Revolution, with a prayer therein for his continuance in the Office of Collector, etc.<sup>2</sup> See the Coppy, which being read was followed with long harangues from two of the Commissioners of the Customes, setting forth that it was the manner of New England men so to trade under their former Government, and that unless the King did send them a Governor again they would never be brought to a due observance of the acts of trade, making large speeches to that purpose, and withall commending Mr. Randolphs care and diligence in his office. We prayed a copy of Mr. Randolph's paper, that we might give our answer thereto, which we doubted not would be to their Lordships full satisfaction, whereupon we were ordered to appeare the next Council day, being the 25th June, vid. Order of Council. An Answer was immediately drawne,<sup>3</sup> and we attended with it that day expecting to be called. The Council once calling for us inquired by the officer at the door whither we were ready with our Answer. We told him we were, but others were called in: at night we were called into the Council Chamber, and told by my Lord President, that they had not time to heare us then, but would take in our Answer that Mr. Randolph might have a copy of it, and that all parties concerned were ordered to attend the Council July the 2d, and then he sayd they would come to a settlement of the matter. That day also we attended till or within night, having several times given notice that we were attend[ing], to be heard upon our Answer to Mr. Randolphs paper; but the Council brake up without any Order concerning it, and so were dismissed *sine die*: so that neither our Answer to Sir Edmunds nor that to Mr. Randolphs Account were ever read publickly. Captain Sampson<sup>4</sup> came not hither with

<sup>1</sup> See *Cal. State Papers*, 282.

<sup>2</sup> Printed in *Edward Randolph* (Prince Society), v. 33.

<sup>3</sup> Printed in *Andros Tracts*, II. 127, from a copy in the Mass. Archives. It is summarized in *Cal. State Papers*, 287. It was read in Council June 26.

<sup>4</sup> Hugh Sampson, master of the ship *America*. He took over one hundred and forty-four barrels of whale oil towards defraying the expenses of the agency.

his ship til October 9th, who drowned your Honors letters to your Agents when he saw he must be taken. Sir, there has been a wonderfull omission of Returning the Coppys of the Bonds of ship Masters according to the Acts of Trade, which I could no wayes excuse, but by the hopes they were drowned; therefore please to order Mr. Addington to be your Honors Monitor for the future, for great advantage is taken against us therby. It will be also N. E's Interest that Colonel Sloughter<sup>1</sup> the present Governor of New York be very civilly treated, who 'tis sayd is a true English man and came over with the King from Holland on that Account, and its most probable may have orders to inspect Matters with you, and make his Report hither: its therefore necessary that he have a right information of things, and the true state of the Country, and that before his understanding be vitiated by the poyson of your N. E. tories, which doubtless they will endeavor to Instill. Sir, I am heartily sorry that my country men have been so unkind to themselves and to your Honor (which I observe in their Election) as [to] deprive themselves and you at such a time, of such helping hands as were both able and willing to serve them: to my certain knowledge Major Richards<sup>2</sup> was a true, faithfull and willing Drudg to his Country from the time of the Revolution till my departure, and is still I doubt not so kind as to give his advice and counsell in all your arduous and difficult matters, tho deprived of his vote therein, and so Mr. Shrimpton: I doubt there was not that due regard had to the Rules of the Charter as ought to be; the due observation wherof would be as well our Interest as security. It was our great unhappyness that your Honors Advice, given the day after the Revolution, for settling the Government on its first and proper Basis was not then attended; and is the opinion of the thinking men on this side the water. Sir, upon Mr. Shrimptons coming to towne we bespake the making of 500 armes in hope to have despatched Welsteed<sup>3</sup> as soon as they were made, but he not coming hither till June the 9th and the French Fleet coming into the Channell within few days after and continuing Masters therof and so of the seas till about the middle of August, when they returned home, and after that a strict Embargo here till our Fleet was fitted and still continuing, prevented his despatch so long that it was judged not safe to venture with his

<sup>1</sup> Col. Henry Sloughter.

<sup>2</sup> John Richards (0000-1694). See 2 *Proceedings*, x. 547.

<sup>3</sup> William Welsteed, master of the sloop *Resolution*, who took one hundred and fifty-two barrells of whale oil, and twenty-five hundred red oak hogshhead staves for the agency. He sailed for London April 7. The sloop belonged to Governor Andros. *Andros Tracts*, II. 131; III. 62; 2 *Proceedings*, VII. 154.

sloop in the winter, and is therefore layd up, and the Armes shipt on Captain Prince going on Account of several Merchants, and in part on Account of the Colonie; powder also goes on several ships as Merchandize which we perswaded several friends to ship who do it more to serve the Country than for their owne profit, and Mr. Welsteed is going passenger in Captain Browne.<sup>1</sup> Captain Martin<sup>2</sup> either carelessly or wilfully ran his ship on shoare with his sheet Anchor at the Bow at Margarets August 31, bulged her on the Rocks, made her a wreck and sold her, having much dammaged his sayls and what else was perishable: he had insured his ship, yet keeps out of sight, and its thought so much of his business is knowne that he will verry hardly gett his money of the Insurers, your fifty pound Bill to be sure will faile being payd by him, tho I believe it may be recovered at home, of which more hereafter when better informed. Sir, since the Kings coming home we have been endeavoring to effect our main Concerne, but the great and general concerns of the Nation respecting the present warr, and the preparation for the next Campaign and summers Fleet crowd out our comparatively small one, the Parliament being sitting and busied about that Affaire. We have good encouragement given us by several, but the Issue is with the Lord. It seems to me strange that Plymouth Colonie make no application to his Majestie in all this year. They had like to have put into Colonel Sloughter's Commission and annexed to N. York Government; pray Sir, to give my service to Governor Hinckley with information therof; my hearty service to Madame Bradstreet, praying her to be kind to the poor widowlike Gentlewoman at my house; the same Mr. Danforth and the rest of the Gentlemen of the Council, begging the continuance of your prayers for, Sir, your Honors most humble servant

ELISHA COOKE.

Sir, yours per Blake who is arrived in some part of Scotland is received this day being the 18th October.

I know your Honor will be surprised at the sight of this letter being in halfe sheets of which I am not a little ashamed, but the truth is that after I had writt it Mr. O[akes] came into the Chamber in the evening and wanting halfe a sheet of paper splitt this, thinking it had been cleane paper, for which he has reason to beg pardon, it being just before it should have been sealed and delivered to Mr. Heath just going and therefore could not be transscribed. I have

<sup>1</sup> William Brown, Jun. or Benjamin Brown, of Salem? *2 Proceedings*, XIII. 248.

<sup>2</sup> Richard Martin, of Piscataqua, commander of the ship *Blossom*. *Andros Tracts*, III. 62.

herewith also sent Coppyes of Petitions from some Gentlemen in Charlestowne,<sup>1</sup> etc.

[Endorsed] October 10 1690. E. C. to Gov. Bradstreet.

From the same volume is taken

THE CASE UPON THE PATENT OF THE CORPORATION OF  
MASSACHUSETTS BAY IN NEW ENGLAND.<sup>2</sup>

By Mr. Solicitor Generall, 4to Martii, 4to Car. 1.

The Patent doth not onely confirme the right of soile and Tract of ground which was granted to Sir Hen: Roswell and others by the Council of Plimouth but also there is a Corporaçon erected by the name of the Governor and Company of the Massachusetts Bay in New England.

And the common priviledges of other Corporaçons together with this special clause which is twice inserted in the charter, viz. to appoint officers, etc., and to make Lawes and ordinances for the Good and Welfare of the Company, and for the Government and ordering of the said Lands and Plantaçon and the people inhabiting and to inhabit the same as from time to time shall be thought meet, soe as such Lawes and Ordinances be not contrary and repugnant to the Laws and Statutes of the Realme of England.

It is to be observed that the Company have not Jura Regalia granted to them but by virtue of the clause aforesaid. For the Government of the Country they have erected severall Courts to be held at severall times in the yeare and constant officers constituted not onely for the keeping of the peace but to determine civill causes of meum et tuum between man and man, which lawes they digested into a Volumne in the year 1650 and 1651, but had been used from 1640 downe to this Time. But I conceive those Lawes are either defective or liable to objeçon in the Particulars following:

*Defective.* 1. In the Title Capitall Lawes fol. 14. 15. which relate to criminall matters, there is no provision or punishment for high Treason; neither is it soe much as mentioned. Therefore that is necessary to be inserted in the first place.

2. The oaths of Allegiance and Supremacy are not required to be taken in such manner as the Lawes of England direct. This I humbly conceive ought to be provided for as necessary for the obliging the subjects there to their obedience and loyalty to their Sovereigne.

<sup>1</sup> Probably the petition printed in *Andros Tracts*, II. 79, and in Frothingham, *History of Charlestown*.

<sup>2</sup> A MS. in the writing of Edward Randolph.

*Objecons.* 1. The stile of their Lawes, those being compiled in the time of Rebellion, they use the phrase of Common-wealth, which ought to be rectified as well as they did in the year 1662 order that all writts and proces should be made in the King's name, as by law they ought.

2. Under the Title Heresy there are severall Punishments which seem not to be proportionable to the offence, as by Banishment and paines of death. Also a pecuniary penalty for the keeping of Christmas-day, which ought to be struck out.

3. The civil magistrate appointed to marry people, which ought to be done by the clergy.

4. That none shall be put to death without the oath of two or three wittnesses, which may be a means for the encouraging of murthers and other great offences.

These Instances are put onely to be a guide to the corporaçon to pursue the methods and rules the Lawes of England direct and that upon all other occasions and emergencies they may proceed according to the Authority given by their patent, viz. that they must act according to the lawes of England.<sup>1</sup>

Remarks were made during the meeting by Messrs. SANBORN, NORCROSS, J. C. WARREN, CLEMENT, DANA, LONG and MEAD.

<sup>1</sup> An endorsement gives the date, 25 October, 1677.